

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Mr. Jean R. Jonassaint)	
2469 South Orange Blossom Trail)	NAL/Acct No. X3270002
Orlando, FL 32805)	Case No. 99TP335

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: January 24, 2000

Released: January 24, 2000

By the Enforcement Bureau: Tampa District Office

I. INTRODUCTION

1. This is a Notice of Apparent Liability for monetary forfeiture issued pursuant to Section 503(b) of the Communications Act of 1934, as amended, (the Act) 47 U.S.C. § 503(b), and Section 1.80 of the rules, 47 C.F.R. § 1.80, to Mr. Jean R. Jonassaint for willful and repeated violation of Section 301 of the Act for operating a broadcast station without a license issued by the Federal Communications Commission (FCC).
2. The appropriate amount of forfeiture for this violation is determined to be \$11,000.00.

II. BACKGROUND

3. On March 24, 1999, the FCC Tampa District Office received a complaint of interference to a TV station in the Orlando, Florida area reportedly being caused by an unlicensed radio station operating on 92.7 MHz.
4. On April 7, 1999, at approximately 6:35 p.m. agents from the Tampa District Office observed a station transmitting on 92.7 MHz identifying as "Radio du Soleil." Using direction finding techniques the source of the transmissions on 92.7 MHz was identified as a business located at 2469 South Orange Blossom Trail, Orlando, Florida. A sign in the front of the business read "Bobby Express, Co." The FCC agents were unable to contact the operator of the station at that time but left a document warning against unlicensed operation on the front door. On April 8, 1999, FCC Agents interviewed Jean R. Jonassaint an employee of Bobby Express, Co. Mr. Jonassaint acknowledged that he had been operating the unlicensed station at 2469 South Orange Blossom Trail and that he had seen the warning documents left on the door on the previous evening.
5. On October 10, 1999, the Tampa District Office received information about an unlicensed FM station operating on 95.9 MHz in the Orlando area. The station was reportedly operating during weekends using the French language.
6. On November 6, 1999, at approximately 9:00 p.m., agents from the Tampa District Office heard transmissions from a radio station operating on 95.9 MHz using the French language. Using radio direction finding techniques the agents determined that the signal was coming from Bobby Express, Co., at 2469 South Orange Blossom Trail, Orlando, Florida, the same location where the previous transmissions on 92.7 MHz occurred. The transmissions ended shortly after the arrival of the agents.

III. DISCUSSION

7. On April 7, 1999 on 92.7 MHz and again on November 6, 1999 on 95.9 MHz, Mr. Jean R. Jonassaint operated an FM broadcast station without a license issued by the FCC from his place of business, Bobby Express, Co., 2469 South Orange Blossom Trail, Orlando, Florida.
8. Mr. Jean R. Jonassaint was in violation of Section 301 of the Communications Act of 1934, as amended, 47 U.S.C. § 301, which in part states that, “**No person shall use or operate any apparatus for the transmission of energy or communications or signals by radio...**” “**...except under and in accordance with the Act and with a license in that behalf granted under the provisions of this Act.**” Despite written and verbal warnings given to Mr. Jonassaint in April of 1999, Mr. Jonassaint was found to be operating a broadcast station without a license again in November of 1999.
9. The violations were repeated and willful.¹
10. Pursuant to the Forfeiture Policy Statement, 12 FCC CD 17087 (1997) (Forfeiture Policy), the base amount for these type of violations is \$11,000.00. In assessing the monetary forfeiture amount, we must also take into account the statutory factors set forth in section 503(b)(2)(D) that include the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require, 47 U.S.C. § 503(b)(2)(D). Applying the Policy Statement and statutory factors to the instant case, we believe that a monetary forfeiture in the amount of \$11,000.00 is warranted.

IV. ORDERING CLAUSES

11. Accordingly, **IT IS ORDERED**, pursuant to Section 503(b) of the Communications Act, 47 U.S.C. § 503(b), and Section 1.80 of the Commission’s Rules, 47 C.F.R. § 1.80, that Mr. Jean R. Jonassaint **IS APPARENTLY LIABLE FOR MONETARY FORFEITURE** in the amount of \$11,000 for violating 47 U.S.C. § 301. The amount specified was determined after consideration of the factors set forth in **Section 503(b)(2)(D) of the Act, 47 U.S.C. § 503(b)(2)(D) and the guidelines enumerated in the Forfeiture Policy Statement.**
12. **IT IS FURTHER ORDERED**, pursuant to Sections 1.80(f)(3) and (h) of the Commission’s Rules, 47 C.F.R. §§ 1.80(f)(3) and (h), that Mr. Jean R. Jonassaint, within thirty (30) days of the date of release of this Notice, must pay the monetary forfeiture amount of \$11,000 or file a written response showing why the forfeiture should be reduced or not imposed. Any written response must include a detailed factual statement and supporting documentation.² Forfeitures shall be paid by check, money order, or credit card, with the appropriate documentation, made payable to the Federal Communications Commission.³ The remittance should be marked NAL/Acct No: X3270002 and mailed to the following address:

¹ Section 312(f)(1), which also applies to Section 503(b), provides: [the term “willful,” when used with reference to the commission or omission of any act, means the conscious and deliberate commission or omission of such act, irrespective of any intent to violate any provision of this Act or any rule or regulation of the Commission authorized by this Act or by treaty ratified by the United States. See Southern California Broadcasting Co., 6 FCC Red 4387(1991).

² Claims of inability to pay should be supported by tax returns or other financial statements prepared under generally accepted accounting procedures for the most recent three-year period.

³ Requests for payment under installment plans should be mailed to: Chief, Billings and Collections, Mail Stop 1A820, 445 12th Street, SW, Washington, D.C. 20554. Payment of the forfeiture in installments may be considered as a separate matter in accordance with Section 1.1914 of the Commission’s Rules. Contact Chief, Billings and Collections at (202) 418-1995 for more information on payments by credit card.

Federal Communications Commission
P.O. Box 73482
Chicago, IL 60673-7482

Send or mail any written responses regarding the reasons why the forfeiture should be reduced or not imposed to:

Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554
ATTN: Enforcement Bureau
Mail Stop 1500E3-DLH
NAL/Acct. No. X3270002

Any written response should focus on the mitigating factors outlined in the Policy Statement and Section 503 of the Act.

13. IT IS FURTHER ORDERED THAT this Notice shall be sent, by certified mail, return receipt requested, to Mr. Jean R. Jonassaint, 2469 South Orange Blossom Trail, Orlando, FL 32805.

FEDERAL COMMUNICATIONS COMMISSION

Ralph M. Barlow
District Director
Tampa District Office